

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PASHA ANWAR, *et al.*,

Plaintiffs,

v.

FAIRFIELD GREENWICH LIMITED, *et al.*,

Defendants.

This Document Relates To: All Actions

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 4/19/13

MASTER FILE No. 09-cv-118 (VM)

ORIGINAL

STIPULATION CONCERNING EXPERT DISCOVERY

IT IS HEREBY STIPULATED AND AGREED, by and among the parties, through their undersigned counsel, that:

1. Only the following expert materials and information are discoverable (including through deposition):
 - a. Reports of testifying experts that the party retaining the expert has designated as final, including initial and rebuttal reports ("final reports");
 - b. Facts or data upon which a testifying expert relied upon in the course of forming an opinion expressed in his or her final reports;
 - c. Documents identified in the final reports of a testifying expert as having been relied upon by the expert in forming an opinion expressed in his or her final reports, subject to the provisions below relating to publicly available and previously produced documents;
 - d. Any assumptions provided to the testifying expert that the expert relied upon to form an opinion expressed in his or her final reports;
 - e. Direct communications between testifying experts concerning matters

addressed in the reports; and

f. The party's engagement letter with the testifying expert and agreement for compensation of the testifying expert.

2. The following expert materials and information are not discoverable (including through deposition); this is a non-exclusive list for the sake of clarity, and is subject to paragraph 1, above:

- a. Drafts or mark-ups of the final expert reports, including outlines for the reports; draft affidavits and declarations; non-final calculations, computations, or data; notes, summaries or compilations created by the expert or persons working with the expert or under his or her direction; and memoranda concerning expert work and reports;
- b. Communications between an expert and (i) counsel, (ii) non-testifying experts, (iii) consultants, (iv) parties, (v) and persons providing support to the testifying and non-testifying experts or working under their direction or control;
- c. Communications between counsel and (i) consultants, (ii) non-testifying experts, (iii) or persons providing support to a testifying or non-testifying expert or working under their direction or control;
- d. Communications or other materials or information exempted from expert disclosure under Fed. R. Civ. Pro. Rule 26; and
- e. Any other material or information protected by the work product doctrine or attorney-client privilege.

3. Copies of any documentary expert materials described in Paragraph 2 may be freely discarded, and need not be preserved, except to the limited extent that an expert expressly relies on any such documentary expert material.

4. A party need not re-produce data or other information subject to disclosure pursuant to Paragraph 1 that previously has been disclosed or produced in this action, provided that such party shall identify such data or other information for the other parties by Bates number, deposition exhibit number, or deposition transcript.
5. A party need not disclose or produce data or information subject to disclosure pursuant to Paragraph 1 that constitutes a treatise or other readily accessible public source material, provided that the party identifies the treatise or readily accessible source material in sufficient detail so that it may be located. Upon request, the treatise or other source of materials shall be produced.
6. Nothing in this Stipulation shall be construed to prevent or prohibit any party from asking an expert questions at deposition or trial concerning any documents or data produced or testimony given in the litigation, any publicly available documents or information, or the substance of the expert's opinions, including, without limitation, any alternative theories, methodologies, variables, or assumptions that the expert may or may not have considered in forming his or her opinions or preparing a report.
7. No subpoena shall be served upon any expert. As a condition of presenting the testimony of any expert at trial, the parties shall identify experts; produce any expert reports; make their experts available for deposition, at a time and place agreed upon by the parties; and produce the data and other information called for under Paragraph 1 (other than the expert report) on or before dates agreed upon by the parties.

Dated: April 12, 2013

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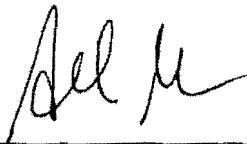
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SO ORDERED on this _____ day of _____, 2013

The Honorable Frank Maas
United States Magistrate Judge

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SO ORDERED on this _____ day of _____, 2013

The Honorable Frank Maas
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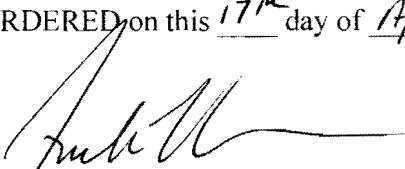
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SO ORDERED on this 17th day of April, 2013


The Honorable Frank Maas
United States Magistrate Judge